IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3990 OF 2004

Mukesh Ramakant Pawar ... Applicant

versus

State of Maharashtra ... Respondent

...

Mr. V.V. Purwant, for the Applicant.

Mr. A.S. Gadkari, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

24th September 2004

P.C.:

. Heard Counsel for the parties. The Applicant is arrested in connection with Cr. No. 8/2002 initially registered with Wanwadi Police Station and transferred to Crime Branch, Flying Squad, Maharashtra State, Pune, for offences punishable under sections 302, 120-B read with section 34, I.P.C. and section 37(1) and 135 of the Bombay Police Act. It is not in dispute that the offence was allegedly committed on 16th January 2002 and the F.I.R. came to be

registered. The Applicant is named in the F.I.R. only as one of the suspects because of animosity, which is termed as motive for his involvement. It is also not in dispute that no incriminating material is recovered, so as to implicate the Applicant in the commission of the alleged offence. Besides, the Applicant has always attended the dates before the concerned police officers to co-operate during the investigation since January 2002 till August 2004. The learned A.P.P. fairly accepts that there was no additional material available with the police so as to link the Applicant with the commission of the alleged offence before arrest of the applicant was caused on 6th August 2004. However, it is only after his arrest that some statement is attributed as recorded in the Memorandum Panchnama dated 9th August 2004. As there was no material before the investigating officer to be satisfied that the arrest of the Applicant was imperative, to my mind, this is a fit case for grant of bail; also having regard to the fact that the Applicant has throughout co-operated with the investigation by attending on every date before the concerned officer from January 2002 to August 2004, whenever he was

called upon to do so. The application is, therefore, allowed on the following terms.

a) The Applicant is released on bail in connection with CR.No. 8/2002 originally registered with Wanwadi Police Station and subsequently transferred to Crime Branch, Flying Squad, Maharashtra State, Pune, on executing personal bond in the sum of Rs.50,000/- and one or two local sureties in the like amount.

b) The Applicant shall regularly attend the Office of the investigating officer whenever called upon and in addition shall report to the investigating officer on first Saturday of every month till the conclusion of the trial between 10 a.m. to 12 p.m.

c) The Applicant shal not influence the prosecution witnesses or tamper with the prosecution evidence in any maner whatsoever.

. Application disposed of accordingly.

. Parties to act on the authenticated copy of this order.